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ABSTRACT

This booklet sets forth the provisions of the South Carolina Education Improvement Act. Statements of standards mandated by the State in the following areas are presented: (1) increasing academic standards; (2) strengthening student discipline and attendance; (3) providing more effective use of classroom learning time; (4) providing programs of excellence for talented students; (5) providing more relevant vocational training programs; (6) providing programs for handicapped students; (7) requiring exit exam for graduation; (8) enacting a promotion policy; (9) improving basic skills in all grades; (10) establishing alcohol and drug abuse programs in schools; (11) establishing pupil-teacher ratios; (12) increasing the number of highly qualified persons going into the teaching profession; (13) raising teacher salaries to attract and hold qualified persons; (14) improving training of current and prospective teachers; (15) maximizing the utilization of teaching time and talent; (16) recruiting most able candidates to become principals and administrators; (17) improving training and evaluation of prospective and current school administators; (18) evaluating and rewarding schools and school districts based on measurable performance and progress; (19) planning of focusing the schools and school districts on instructional improvement and the effective use of resources; (20) monitoring annually the implement of the educational improvement program; (21) authorization of intervention by State Superintendents of Education where quality of education in a local school is impaired; (22) strengthing parent involvement; (23) increasing business and industry participation; (24) broadening community involvement; and (25) performing pressing repairs, renovations, and construction on school buildings. (JD)

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THE EDUCATION IMPROVEMENT ACT OF 1984

State of South Carolina

SP027155

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Special thanks go to the following people for their efforts in preparing this annotated edition of the EIA: Dr. Jo Anne Anderson, staff to Senate Education Committee; Mr. Steve Elliott, staff to House Education and Public Works Committee; Dr. Gregg Strasler and Ms. Barbara Kosovske, Office of the Governor; Ms. Mary C. Jackson, The School Council Assistance Project, University of South Carolina; and Ms. Betty Herlong, South Carolina Association of School Administrators.

State of South Carolina

Office of the Governor

RICHARD W. RILEY
GOVERNOR

POST OFFICE BOX 11450
COLUMBIA 29211

Dear Friends of Education:

The Education Improvement Act of 1984 is a comprehensive package of educational reform designed to provide an opportunity for and a challenge to our children and youth to reach for excellence. It represents a milestone in our history and is the result of the concerted commitment of legislators, educators, parents, and citizens. More importantly, it is a statement of faith in the future of our children.

Passage of this legislation is only the beginning of the school improvement process. Continued success will depend upon the dedication of those charged with implementation and the active involvement of parents and citizens.

I have pledged the full resources of my office to help with the implementation. Join with me in the excitement of working toward transforming the faith we have in our children's future into a reality of positive outcomes.

Yours sincerely,

Richard W. Riley

Richard W. Riley
Governor

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Division I

South Carolina Education Improvement Act of 1984

Division II
Subdivision A

Raising Student Performance by Increasing Academic Standards

SubPart 1

Increasing Academic Standards

1. "Section 59-39-100. Diplomas issued to graduates of accredited high schools within this State must be uniform in every respect and particularly as to color, size, lettering, and marking. *The number of units required for a state high school diploma is twenty units* as prescribed by the State Board of Education. Beginning in the 1986-87 academic year, a minimum of 3 units must be earned in mathematics and a minimum of 2 units must be earned in science.

   One unit in computer science, if approved by the State Department of Education for this purpose, may be counted toward the mathematics requirement.

   Students who earn one unit in science and six or more units in a specific occupational service area will meet the science requirements for a state high school diploma. Vocational programs operating on a 3-2-1 structure may count pre-vocational education as one of the six required units."

Increases requirements for high school diplomas from 18 to 20 units — one additional unit of science and math.

2. "Section 59-39-160. *To participate in interscholastic activities, students in grades nine through twelve must have passed at least four academic courses, including each unit the student takes that is required for graduation, with an overall passing average in the preceding semester.* Academic courses must be defined as those courses of instruction for which credit toward high school graduation is given. These may be required or approved electives. All activities currently under the jurisdiction of the South Carolina High School League shall remain in effect. The monitoring of all other interscholastic activities is the responsibility of the local boards of trustees. Those students diagnosed as handicapped in accordance with the criteria established by the State Board of Education and satisfying the re-

Requires students to pass at least 4 academic courses to participate in interscholastic activities.

quirements of their Individual Education Plan (IEP) as required by Public Law 94-142 shall be permitted to participate in interscholastic activities. Any local school board of trustees in its discretion is authorized to impose more stringent standards than those contained in this section for participation in interscholastic activities by students in grades nine through twelve."

3. "Section 59-5-65. The State Board of Education shall have the power and responsibility to:

"( ) Promulgate regulations to ensure that *all secondary schools* with the exception of vocational schools and secondary schools whose enrollment is entirely handicapped, *offer a clearly defined college preparatory program* as specified by the State Board of Education."

*4. "Section _____. The State Department of Education and all school districts shall emphasize higher order problem solving skills in curricula at all levels.

5. "Section 59-29-55. The State Board of Education shall examine the current status of the teaching of South Carolina History. *By the 1989-90 school year, each public school of the State must instruct students in the history of the black people as a regular part of its history and social studies courses.* The State Board of Education shall establish regulations for the adoption of history and social studies textbooks which incorporate black history and shall, through the State Department of Education, assist the school districts in developing and locating suitable printed materials and other aids for instruction in black history. The State Board of Education shall examine curricula material for grades 1-6 to determine the level of emphasis on the relationship of agriculture and other industries to the South Carolina economy."

Sets effective date for requirements for participation in interscholastic events.

*6 "Section _____. The provisions of Section 59-39-160 of the 1976 Code as added by this SubPart 1 shall take effect at the beginning of the second semester of the 1984-1985 school year."

*Note: Official South Carolina Code citation has not been assigned where asterisks appear.

SubPart 2
Strengthening Student Discipline
and Attendance

1. "Section 59-5-65. The State Board of Education shall have the power and responsibility to:

(1) Establish on or before August 15, 1985, regulations *prescribing minimum standards of conduct and behavior* that must be met by all pupils as a condition to the right of pupils to attend the public schools of the State. The rules shall take into account the necessity of proper conduct on the part of all pupils in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that the rules may result in suspension or expulsion of pupils, provided, however, that disciplinary procedures shall be in compliance with Public Law 94-142;

(2) *Promulgate on or before August 15, 1985, regulations prescribing a uniform system of minimum enforcement by the various school districts of the rules of conduct and behavior;*

(3) Promulgate rules prescribing scholastic standards of achievement. The rules shall take into account the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted. *School districts may impose additional standards of conduct and may impose additional penalties for the violation of such standards of behavior,* provided, however, that disciplinary procedures shall be in compliance with Public Law 94-142;

(4) *Establish on or before July 1, 1985, regulations prescribing a uniform system of enforcement by the various school districts of the state compulsory attendance laws and regulations promulgated pursuant to Section 59-65-90."*

Requires State Board of Education to establish minimum standard of student conduct and behavior and a uniform system of minimum enforcement.

2. "Section 59-65-90. *The State Board of Education shall establish regulations defining lawful and unlawful absences* beyond those specifically named in this article and additional regulations as are necessary for the orderly enrollment of pupils so as to provide for uniform dates of entrance. These regulations shall require: (1) that school officials shall immediately intervene to encourage the student's future attendance when the student has *three consecutive unlawful absences or a total of five unlawful absences* and (2) that the district board

Decreases allowable student absences.

of trustees or its designee shall promptly approve or disapprove any student *absence in excess of ten days*. As used in this section, 'intervene' means to identify the reasons for the child's continued absence and to develop a plan in conjunction with the student and his parent or guardian to improve his future attendance.

Provided, however, that nothing within this section shall interfere with the Board's authority to at any time refer a child to a truancy prevention program or to the court pursuant to Section 59-65-50."

Requires the School Board to maintain students' fingerprint records and shifts the burden for initiating the records to the child or his parents.

3. "Section 59-63-50. *Each county shall provide to every school in the county the forms and ink pads necessary to record each pupil's fingerprints in kindergarten and grades one through twelve.* The State Law Enforcement Division and all local law enforcement agencies are instructed and authorized to assist local school authorities in the fingerprinting of school children in kindergarten and grades one through twelve when one parent of a child requests in writing that his child be fingerprinted for identification purposes for the protection of the child. *The fingerprints must be maintained as a permanent part of the student records. They must be under the custody and control of the school board,* subject only to inspection by school officials, parents, guardians, or persons permitted by order of the court. *When a child is no longer in regular attendance, the fingerprint identification must be returned to the child if he is eighteen years of age or older or to the child's parent or guardian if the child is under eighteen years of age.*

The implementation of this section is a local responsibility and it must be implemented as the local school board determines appropriate."

SubPart 3
Providing More Effective Use
of Classroom Learning Time

Defines instructional day for elementary and secondary students.

1. "Section 59-1-440. The instructional day for secondary students must be at least six hours, excluding lunch. The school day for elementary students must be at least six hours including lunch. Priority must be given to teaching and learning tasks. Class interruptions must be limited only to emergencies."

Distributes EIA funds for kindergarten programs through the EFA formula.

2. "Section 59-35-10. The board of trustees of each school district shall establish and provide kindergartens

for children within its jurisdiction. All children in the five-year-old kindergarten program must be counted in the average daily membership of any public school district when public school funds are to be apportioned to the several school districts. State aid for the five-year-old kindergarten program must be distributed through the formula provided for in the 'Education Finance Act' (Act 163 of 1977)."

3. "Section 59-63-20 (3). Students may enter kindergarten in the public schools of this State if they will attain the age of five on or before November first of the applicable school year or have substantially initiated a public school kindergarten program in another state that has a different attendance age requirement from South Carolina."

4. "Section 59-63-20(4). Students may not enter the first grade in the public schools of this State unless they will attain the age of six on or before November first of the applicable school year or have substantially initiated a first grade program in another state that has a different attendance age requirement from South Carolina or have attended a public school kindergarten program for one full school year in another state that has a different attendance age requirement from South Carolina."

5. "Section 59-65-10. (A) *All parents or guardians shall cause their children or wards who are in the age group of five to sixteen years, inclusive, to regularly attend a public or private school* or kindergarten of this State which has been approved by the State Board of Education or a member school of the South Carolina Independent Schools' Association or some similar organization, or a parochial, denominational, or church-related school, or other programs which have been approved by the State Board of Education; Provided, Further, That *any parent or guardian whose child or ward is not six years of age on or before the first day of November of a particular school year may elect for their child or ward not to attend kindergarten.* For this purpose, the parent or guardian must sign a written document making such election with the governing body of the school district wherein the parent or guardian resides. The form of this written document shall be prescribed by regulation of the Department of Education. Upon such a written election being executed, that child or ward may not

Mandates kindergarten for all five year olds. Parents may obtain a waiver from this requirement.

be required to attend kindergarten.

(B) Each school district shall provide transportation to and from public school for all pupils enrolled in public kindergarten classes who request the transportation. Regulations of the State Board of Education governing the operation of school buses shall apply."

Statutorily authorizes public four year old child development programs and the attendance of these programs by four year olds.

6. "Section 59-19-340. *The board of trustees of each school district may establish and provide for the education of children who will attain the age of four on or before November first of the applicable school year in child development programs.* The board of trustees of school districts having programs serving three and four-year-olds on the date of enactment of this section may continue to serve *three-year-olds.*"

7. "Section 59-63-20(6). *Four-year-olds may attend optional child development programs.*"

Requires missed school days to be made up.

8. "Section 59-1-430. Notwithstanding any other provisions of law to the contrary, *all school days missed because of snow or extreme weather conditions must be made up.* In meeting the requirements of Act 436 of 1982, *no makeup days* for students *may be scheduled on Saturdays.* Provided, However, That remedial instruction for grades 7 through 12 may be taught on Saturday at the direction of local school board."

SubPart 4
Providing Programs of Excellence
for Talented Students

Requires advanced placement courses and college credit for successful completion of advanced placement courses.

*1. "Section _____. *Each school district shall provide advanced placement courses in all secondary schools* of the district *which enroll an adequate number of academically talented students to support the course.* By August 15, 1984, the State Board of Education by regulation shall specify what constitutes an advanced placement course and an adequate number of students for these programs. *Students successfully completing the advanced placement requirements shall receive advanced placement credit in post-secondary public colleges in South Carolina* in the manner specified by the Commission on Higher Education in conjunction with the State Board of Education."

Expand gifted and talented programs.

2. "Section 59-29-170. *Not later than August 15, 1987, all gifted and talented students at the elementary and*

secondary levels must be provided programs during the regular school year or during summer school *to develop their unique talents* in the manner the State Board of Education shall specify. The select committee shall study the implementation of this section and report its findings to the General Assembly by July 1, 1986. *Monies appropriated for Gifted and Talented programs under the EIA in 1984 shall be allocated* to the school districts of the state *on the basis that the number of such students served in each district bears to the total of all such students in the state.* By August 15, 1984, the State Board of Education shall promulgate regulations establishing the criteria for student eligibility in Gifted and Talented Programs."

SubPart 5
Providing More Relevant
Vocational Training Programs

1. "Section 59-5-65. The State Board of Education shall have the power and responsibility to:

( ) Promulgate regulations to ensure that *each school district in its secondary school or vocational center shall establish clearly defined vocational programs designed to provide meaningful employment.*"

2. "Section 59-53-1950. *The General Assembly shall provide funds in the annual general appropriation act for the purchase of equipment for vocational training* pursuant to the Department of Education's State Plan for vocational-technical education. The *highest priority* in funding for vocational education *must be given to job preparatory, occupational proficiency courses* in areas related to:

(a) current high technology trades, businesses, and industries;

(b) high labor market and high labor intensive demand;

(c) small business management; and

(d) new and emerging trades, industries, and businesses which foster and enhance the economic development, stability, and diversification of the State's economy."

Provides State funds for replacement of vocational equipment and for purchase of equipment to train students in new occupations.

3. "Section 59-53-1960. *Commencing with 1987-88, to continue existing job preparatory programs, other than vocational agriculture, fifty percent of the graduates*

Links continuation of job preparatory vocational programs to their graduates' attainment of employment.

available for placement must be placed during the prior three years in the area for which training was provided. Each graduate of a job preparatory vocational education program must be surveyed by his school district ten months after graduation to determine job placement status. The school districts shall make an annual report to the State Board of Education of the findings of its survey. The State Board of Education shall report the results of the district surveys to the Governor, General Assembly, and the Advisory Council on Vocational Technical Education. The State Board of Education may waive the fifty percent requirement upon recommendation of the school district, if the district can demonstrate that a program responds to the employment needs of new or expanding businesses or industries. Students must be advised prior to enrollment in a job preparatory program of possible discontinuation and of the employment outlook for graduates of the program. Students enrolling in vocational programs which are not preparatory for employment must be clearly *advised* of this fact by the school district."

*4. "Section _____. South Carolina's evolving economy, new conditions in the workplace, and changing needs of employers combined with the provisions of basic skills remedial programs, increased course requirements, and modernization of equipment require a reassessment of the State's efforts to prepare young people for employment. To assist the General Assembly and the Governor in reviewing the State's vocational education system for grades 9 through 12, *the South Carolina Advisory Council on Vocational and Technical Education is directed to conduct an intensive study of how the vocational education system can best prepare young people with skills employers will require between the years 1990 and 2000.*

Mandates a study to determine how vocational education may be responsive to employment needs in the future.

This study shall provide the General Assembly with:

(1) data on and analysis of students' use of the vocational education system, delineating among participation in courses, between occupational and non-occupational courses of study, and between students who participate in a complete sequence of courses as opposed to those who take only one or two courses;

(2) recommendations for the creation of a new management information system which will provide the General Assembly with more timely, accurate, and

useful information about student participation in, completion of, and placement from various vocational education programs, and the effects of students' participation in these programs;

(3) a demographic and achievement profile of students who enroll in, complete, and are placed from vocational education courses;

(4) a report of employers' expectations of and experiences with the vocational education system, based on interviews with a representative sample of employers in South Carolina;

(5) a report of students' perceptions of and experiences with the vocational education system, based on interviews with a representative sample of current and former public school students;

(6) recommendations for how the vocational education system can best meet the training and employment needs of low achieving students who do not seek post-secondary education;

(7) recommendations for how the programs of the vocational education system can be better coordinated with other state agencies concerned with education, training, and employment to best serve young people who do not seek post-secondary education;

(8) report on South Carolina's labor needs between 1990 and 2000 which can be met by students who successfully complete programs provided by the vocational education system.

The House Education and Public Works Committee and the Senate Education Committee shall designate committee staff to serve as liaisons with the staff of the South Carolina Advisory Council on Vocational and Technical Education to provide advice about how the study can be designed, implemented, and reported so as to be most useful to the General Assembly. Components of the study must be issued serially, as completed. The South Carolina Advisory Council on Vocational and Technical Education is authorized to seek funding from private sources to facilitate the study, and to subcontract with appropriate public and private entities to conduct any of the various components of the study. *The study must be completed no later than April, 1986."*

SubPart 6
Providing Programs for
Handicapped Students

1. "Section 59-33-100. In addition to those services currently provided to 'emotionally handicapped pupils' as those pupils are defined in subsection (4) of Section 59-21-510, the *State Department of Education shall contract with the Continuum of Care Policy Council to provide services approved by the State Board of Education to enable 'emotionally handicapped pupils' to benefit from special education.*"

Provides EIA funds for education of trainable and profoundly mentally handicapped students.

2. "Section 59-21-600. Notwithstanding the provisions of Section 59-21-540, and in order *to insure adequate educational services for trainable mentally handicapped pupils and profoundly mentally handicapped pupils* in South Carolina school districts, *the State Board of Education,* upon the recommendation of the select committee, through the State Department of Education *shall develop a Regulation for distribution of funds appropriated by the General Assembly for this purpose.*"

Subdivision B
Strengthening the Teaching and
Testing of the Basic Skills

SubPart 1
Requiring Passing of an Exit Exam
for Graduation

1. "Section 59-30-10(f). The State Board of Education through the State Department of Education shall:

Beginning in the school year 1981-82 and continuing through the school year 1984-85, administer the test specified in item (e) of this section to all students in grade eleven for the purpose of collecting baseline data. The Department of Education shall use the baseline data for the purpose of program assessment and shall provide assistance to those schools or districts in which the data indicate that program adjustment or modification is most needed due to inordinate numbers of children not passing the test. The State Board of Education shall use the baseline data for the purpose of determining the high school credentials to be awarded students not meeting the minimum achievement scores. *Beginning with the school year 1985-86,* the eleventh grade examination

may be no longer administered and *the Board shall cause to be administered an exit examination to all tenth grade students. Local school districts shall establish remedial programs to assist those students who do not pass the examination. Passage of this exit examination is a condition for the receipt of a State High School Diploma for those students who otherwise meet the requirements for the diploma during the school year 1989-90 and thereafter.* Additionally, during the school year 1989-90 and thereafter individuals participating in Adult Education programs must pass the exit examination as an additional requirement for the receipt of a State High School Diploma. *Failure to pass the examination obligates the student to enroll in a remedial program.* Students who do not pass the examination in the tenth grade must retake the test in the eleventh grade and may retake the test twice in the twelfth grade, thereby providing students with four opportunities to pass the exit examination. *If an individual exits the school system* at the end of the twelfth grade *without having passed the exit examination,* he *shall be awarded an appropriate State certificate indicating the number of credits earned and grades completed."*

Requires the passage of an exit examination for High School Diploma and mandates remedial programs for students failing the examination.

SubPart 2
Enacting a Promotion Policy

1. "Section 59-5-65. *The State Board shall* have the power and responsibility to:

( ) *By August 15, 1987, establish criteria for the promotion of students to the next higher grade.*

In grades 1, 2, 3, 6 and 8, a student's performance on the Basic Skills test of reading shall constitute twenty-five percent of the assessment of his achievement in reading and his performance on the Basic Skills test of mathematics shall constitute twenty-five percent of the assessment of his achievement in mathematics. The State Board of Education shall specify other measures of student performance in each of these subjects which shall constitute the remaining seventy-five percent of the student's assessment.

Any student who fails to meet the criteria established by the Board for promotion to the next higher grade must be retained in his current grade or assigned to a remedial program in the summer or in the next year. Students assigned to the remedial program must meet

Requires State Board to establish minimum criteria for the promotion of students and requires school districts to implement at least the minimum criteria.

the minimum criteria established by the Board for his current grade at the conclusion of the remedial program to be promoted to the next higher grade. All handicapped students as defined by federal and state statutes and regulations are subject to the provisions of this section unless the student's individual education plan (IEP) as required by Public Law 94-142 defines alternative goals and promotion standards.

Nothing in this subitem shall prohibit the governing bodies of the school districts of this State from establishing higher standards for the promotion of students."

*2. "Section _____. The governing body of *every school district of this State shall implement a student promotion policy which at least meets the minimum criteria established by the State Board of Education* under Section 59-5-65 of the 1976 Code."

SubPart 3
Improving the Basic Skills
in All Grades

1. "Section 59-5-65. *The State Board shall* have the power and responsibility to:

Expands Early Childhood Development Programs for four-year-olds with predicted readiness deficiencies.

( )*Develop and implement regulations providing at least one-half voluntary day early childhood development programs for four-year-old children who have predicted significant readiness deficiencies.* The school districts may contract with appropriate groups and agencies to provide part or all of the programs. *These programs must be developed in consultation with the Interagency Coordinating Council on Early Childhood Development and Education.* The Interagency Coordinating Council shall consult with the Advisory Committee for Early Childhood Education in developing proposals to submit for State Board of Education consideration. In the event that a local advisory committee exists in a community to coordinate early childhood education and development, school districts must consult with the committee in planning and developing services. The Governor shall initiate the development of a State Plan on Early Childhood Development and Education to assist the State in providing appropriate services for preschool children. This plan must be completed by July 1, 1985.

Requires development of a state plan on Early Childhood Development and Education.

2. "Section 59-5-65. *The State Board shall* have the

power and responsibility to:

( )*Develop,* with the recommendations of the Basic Skills Advisory Commission, *and implement regulations providing compensatory and remedial instruction programs for students who fail to meet the required minimum standards of achievement in the basic skills* of reading, writing, and mathematics and for first grade readiness *pursuant to the weightings provided in Section 4 of Act 163 of 1977.* The purpose of compensatory and remedial programs shall be to (1) reduce the number of students who fail to achieve the state standard for the Basic Skills Assessment Program and (2) improve the academic performance of students who have scored below the standard and who may not be able to achieve the state standard. Efforts must be made to use existing personnel by including, but not limited to, (a) modification of school year, (b) modification of school day, and (c) increased utilization of summer schools. In school districts with a high percentage of students identified as 'Not Ready' for first grade, funds provided for compensatory programs may be used to extend the length of their preschool program for identified four and five-year-olds if all other students in other grades 1-6 who qualify for compensatory or remedial instruction are being served.

Requires establishment of remedial and compensatory education programs.

Definition of Compensatory Education Student. Compensatory education students are those who enter school with severe deficiencies in skills, knowledge, motivation, and other requisite traits which are necessary for building successful school experiences. These students have not formed the appropriate basis for learning as a result of having inadequate language development experiences, insufficient opportunities to experience success, and inadequate developmental opportunities. Therefore, such students can be expected to perform poorly, and will continue to perform poorly, on tests such as the CSAB, BSAP, and CTBS unless appropriate intervention is provided.

Defines compensatory education programs and students to be served (grades 1-6).

Definition of Compensatory Education Program. Compensatory education programs are those which serve the most severe cases of educational deprivation not classified as handicapped. These programs serve students for a specific period of time on a daily basis in relatively small group settings and are designed for several years duration. However, student progress is

periodically evaluated to determine appropriate placement. Regular classroom activities are adjusted significantly to accommodate the learning needs of these special students.

For the purpose of this Act, *compensatory education programs shall be applicable only to students in grades 1-6. First priority for placement shall be students scoring at or below the 25th percentile as determined from Comprehensive Tests of Basic Skills (CTBS) or Basic Skills Assessment Program (BSAP) test scores in reading and mathematics and who are recommended for such placement by teachers. Students scoring above the 25th percentile shall be placed in the program as funds permit.*

Defines remedial education programs and students to be served (grades 2-12).

Definition of Remedial Education Student. Remedial education students are those who have not adequately mastered the skills and concepts presented through previous instruction. As a result of unlearned skills and concepts these students have developed gaps in their learning which restrict or impede continuous progress toward educational goals. Therefore, these students can be expected to perform below state standard on BSAP tests and below grade level on CTBS.

Definition of Remedial Education Program. Remedial education programs are those which provide instruction especially designed to reteach and reinforce specific basic skills in the areas of reading, writing, and mathematics. These programs may be provided to students through special instruction during the regular school day, for intensive periods during the summer, in study hall, and before or after school.

For the purposes of this Act, *remedial instruction programs shall be applicable only to students in grades 2-12 scoring below state standards on BSAP tests or its equivalent on CTBS and who are recommended for such programs by teachers.* The policy of the remedial program shall be to give primary emphasis to those grades which experience the greatest failure rate. *As additional funds become available for the remedial program, students in grades 7-12 scoring above the 25th percentile shall be included in the remedial program with priority for funding given to middle school students.*

Links compensatory and remedial education funding to student progress.

School districts shall annually evaluate compensatory and remedial programs as prescribed by State Board of Education regulations. *If the average test score gains*

of students enrolled in a school's reading and mathematics compensatory education program, which is funded under the provision of this Act, does not achieve at least 1.0 NCE gain for two consecutive years the program must undergo formal process evaluation. Further, state funding will be contingent upon an approved corrective action plan.

By November 1 of each year the Basic Skills Advisory Commission and the State Board of Education shall report to the Select Committee an analysis of test scores and data for the preceding school year. The Select Committee shall then make annual recommendations to the General Assembly for reallocation of compensatory and remedial monies if in its discretion such reallocation is deemed necessary."

3. "Section 59-20-40 (1)(c). Weightings, used to provide for relative cost differences, between programs for different students are hereby established in order that funds may be equitably distributed on the basis of pupil needs. The criteria for qualifications for each special classification shall be established by the State Board of Education according to definitions established in this article and in accordance with Sections 59-21-510, 59-35-10, 59-53-1860, and 59-53-1900 of the 1976 Code. Cost factors, enumerated herein, shall be used to fund programs approved by the State Board of Education. Pupil data received by the Department of Education shall be subject to audit by the department. Cost factors or weightings are as follows:

Establishes pupil weightings for the allocation of funds to school districts for compensatory and remedial education programs.

Pupil Classification	Weightings
(1) Kindergarten pupils	1.30
(2) Primary pupils (grades 1 through 3)	1.24
(3) Elementary pupils — base students (grades 4 through 8)	1.00
(4) High school pupils (grades 9 through 12)	1.25
Special Programs for Exceptional Students	**Weightings**
(5) Handicapped	1.74
a. Educable mentally handicapped pupils	
b. Learning disabilities pupils	

(6) Handicapped	2.04
a. Trainable mentally handicapped pupils	
b. Emotionally handicapped pupils	
c. Orthopedically handicapped pupils	
(7) Handicapped	2.57
a. Visually handicapped pupils	
b. Hearing handicapped pupils	
(8) Speech handicapped pupils	1.90
(9) Homebound pupils	2.10
Vocational Technical Programs	Weightings
(10) Pre-vocational	1.20
(11) Vocational	1.29
Add-on Weights for Compensatory & Remediation	Weightings
(12) Grades 1-6 Compensatory	*0.39*
(13) Grades 2-6 Remediation	*0.10*
(14) Grades 7-12 Remediation	*0.12*

Each student in the state shall be counted in only one of the first eleven pupil classifications. *Students determined to need compensatory instruction and remediation must be counted additionally under the twelfth through fourteenth classification.* In the event *a student* is *determined not to meet minimum standards in reading, mathematics, or writing* of the Basic Skills Assessment Act or is 'not ready' for first grade, and qualifies under State Department regulations, a pupil *may be counted once for each area for the purposes of calculating the district's remedial weighted pupil units.* The State Board of Education will determine the qualifications for each classification in accordance with Sections 59-21-510, 59-35-10, 59-53-1860, and 59-53-1900 of the 1976 Code and Act 631 of 1978. The program for each classification must meet specifications approved by the State Board of Education."

4. "Section 59-20-40 ( ). Annually in the general appropriation act the General Assembly will determine an appropriation level and a number of weighted pupil units to be funded through compensatory and remedial weights provided herein, excluding students served by federal chapter 1 programs. The State Department shall promulgate regulations to implement a system so as to provide a prorata matching of the weighted pupil units

to the pupils in the districts of the State who fail to meet the statewide minimum standards in reading, writing, and math or who do not meet the first grade readiness text standard. Nothing in this section prohibits the General Assembly from appropriating funds to the Department of Education for block grants to address basic skills remediation in early childhood development in the school districts of the State."

5. "Section 59-20-40. *The General Assembly shall annually provide the portion of the local required support of the foundation program required by the South Carolina Education Improvement Act of 1984 on the basis of the district's taxpaying ability* in the annual general appropriation act."

Requires State to provide local support for EIA programs for which funds are distributed through EFA.

*6 "Section _____. *The State Board of Education,* through the State Department of Education, in order *to offer students more instructional time in a particular basic skill, may allow adjustments in the amount of instructional time required in each of the subjects in the State's defined minimum program.* No commission or agency of the State shall require any public high school in this State to require foreign language as a prerequisite to receiving a regular high school diploma."

7. "Section 59-30-10. The State Board of Education through the State Department of Education shall:

( ) *Establish statewide educational objectives in science for grades one through eight and establish minimum standards of student achievement for grades three, six, and eight. The State Board of Education* through the Department of Education, also *shall develop and field-test, as part of the Basic Skills Assessment Program, criterion-referenced tests that will measure student achievement in science in grades three, six, and eight* against the standards established for each of these respective grades and cause to be administered the tests provided for herein to all public school students at the end of grades three, six and eight. The purpose of the test is that of diagnosis of student deficiencies and that of an aid in determining instruction needed by the student in achieving the minimum statewide standard established for each respective grade."

Adds science to BSAP.

SubPart 4
Alcohol and Drug Abuse in Schools

Expands the School Intervention Program (SciP) of the Commission on Alcohol and Drug Abuse.

*1. "Section _____. *The South Carolina Commission on Alcohol and Drug Abuse shall establish a program to provide alcohol and drug abuse intervention, prevention, and treatment services for the public schools of the State.* The Commission shall provide staff and support necessary to administer the program. *Funds for this program must be annually appropriated by the General Assembly from the Education Improvement Act* of 1984 Fund as it determines appropriate. The appropriated funds must be forwarded to the South Carolina Commission on Alcohol and Drug Abuse from the Education Improvement Act of 1984 Fund in the manner the State Treasurer shall direct."

SubPart 5
Pupil-Teacher Ratios

For districts with 9000 students makes receipt of remediation funds contingent upon attainment of a specified pupil teacher ratio in certain classes and grades.

*1. "Section _____. Notwithstanding any other provisions of this act, *no school district with a student population in excess of 9,000 shall receive any remediation funds appropriated hereunder unless each language arts and mathematics class in grades seven through twelve has in 1984-85 a pupil-teacher ratio of thirty students per teacher or less, in 1985-86 a pupil-teacher ratio of twenty-eight students per teacher or less, and in 1986-87, and thereafter, a pupil-teacher ratio of twenty-five to one or less.*"

Subdivision C
Elevating the Teaching Profession
by Strengthening Teacher Training,
Evaluating, and Compensation

SubPart 1
Increasing the Number of Highly
Qualified Persons Going Into
the Teaching Profession

Requires secondary schools, public colleges and universities, gifted and talented programs and the Governor's schools to emphasize the importance of teaching as a career.

1. "Section 59-39-170. Acting through guidelines adopted by the State Board of Education, the secondary schools of this State shall emphasize teaching as a career opportunity."

2. "Section 59-101-280. Acting through guidelines adopted by the Commission on Higher Education, the

publicly supported colleges and universities of this State shall emphasize teaching as a career opportunity and develop programs providing students interested in a teaching career with opportunities to tutor other students."

3. "Section 59-5-65. The State Board shall have the power and responsibility to:

( ) Adopt guidelines whereby the secondary schools of this State shall emphasize teaching as a career opportunity."

4. "Section 59-103-130. The Commission on Higher Education shall adopt guidelines whereby the publicly supported colleges and universities of this State shall emphasize teaching as a career opportunity and provide students interested in a teaching career with opportunities to tutor other students."

*5. "Section _____. The Governor's schools for talented high school students and the gifted and talented programs shall emphasize the importance of the teaching profession."

6. "Section 59-26-30( ). *The Commission on Higher Education,* in consultation with the State Department of Education and the staff of the S.C. Student Loan Corporation, *shall develop a loan program whereby talented and qualified state residents may be provided loans to attend public or private colleges and universities for the sole purpose and intent of becoming certified teachers employed in the State in areas of critical need.* Areas of critical need shall include both rural areas and areas of teacher certification and shall be defined annually for that purpose by the State Board of Education. The recipient of a loan shall be entitled to have up to one hundred percent of the amount of the loan plus the interest thereon cancelled if he becomes certified and teaches in an area of critical need. The loan shall be cancelled at the rate of twenty percent of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in an area of critical need. In case of failure to make a scheduled repayment of any installment, failure to apply for cancellation of deferment of the loan on time or noncompliance by a borrower with the intent of the loan, the entire unpaid indebtedness including interest due and accrued thereon shall, at the option of the Com-

Creates a program to lend state residents funds to attend college to become certified teachers in areas in which critical shortages of teachers exist.

mission, become immediately due and payable. The recipient shall execute the necessary legal documents to reflect his obligation and the terms and conditions of the loan. The loan program, if implemented, pursuant to the South Carolina Education Improvement Act of 1984, is administered by the S. C. Student Loan Corporation. Funds generated from repayments to the loan program shall be retained in a separate account and utilized as a revolving account for the purpose that the funds were originally appropriated. Appropriations for loans and administrative costs incurred by the Corporation are to be provided in annual amounts, recommended by the Commission on Higher Education, to the State Treasurer for use by the Corporation. The select committee will review the loan program annually and report to the General Assembly."

Under certain conditions, allows college graduates who have not completed a teacher education program to teach under a conditional teaching certificate.

7. "Section 59-26-30( ). *The State Board* of Education *shall:*

"Award a conditional teaching certificate to any person eligible to hold a teaching certificate who does not qualify for full certification under Item (f) of Section 3 provided the person has earned a Bachelor's degree from an accredited college or university with a major in a certification area for which the Board has determined there exists a critical shortage of teachers and the person has passed the appropriate teaching examination. The Board may renew a conditional teaching certificate annually for a maximum of three years, if the holder of the certificate shows satisfactory progress toward completion of a teacher certification program prescribed by the Board. In part, satisfactory progress shall be such progress that the holder of a conditional certificate should complete the requirements for full certification within three years of being conditionally certified."

Allows persons with conditional teaching certificates to be employed under a provisional or annual contract.

8. "Section 59-26-40. *A person who receives a conditional teaching certificate* as provided in Section 3 *may be employed* by a school district *under a provisional contract or an annual contract* in accordance with the provisions of this section. The holder of a conditional teaching certificate must be employed to teach at least a majority of his instructional time in the subject area for which he has received conditional certification."

SubPart 2

Raising Teacher Salaries in Order to Attract and Hold Qualified Persons in Teaching

1. "Section 59-20-50(b). The state minimum salary schedule shall be based on the state minimum salary schedule index in effect as of July 1, 1984. *In Fiscal Year 1985, the 1.000 figure in the index will be $14,172. (This figure is based on a 10.27% increase pursuant to the South Carolina Education Improvement Act of 1984.) Beginning with Fiscal Year 1986, the 1.000 figure in the index shall be adjusted on a schedule to stay at the southeastern average* as projected by the Division of Research and Statistical Services and provided to the Budget and Control Board and General Assembly during their deliberations on the annual appropriation bill. Under this schedule, *school districts are required to maintain local salary supplements per teacher, no less than their 1983-84 level. In Fiscal Year 1986 and thereafter teacher pay raises through adjustments in the state's minimum salary schedule shall be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the following criteria:*

For FY 1984-1985, the 1.000 figure in the state minimum salary schedule increases by 15.97%, which includes a 5.7% EFA inflation rate and a 10.27% EIA increase. Requires the state minimum salary schedule to be adjusted annually to the southeastern average.

1. Holding a valid professional certificate;

2. Having a score of 425 or greater on the Commons Examination of the National Teachers Examinations;

3. Meeting the minimum qualifying score on the appropriate area teaching examination; or

4. Meeting the minimum standards on the basic skills examinations as prescribed by the State Board of Education provided in Section 2 of Act 187 of 1979.

Any fees applicable to the required examination will be paid by the examinee. The criteria listed in subitems 1 through 4 do not have to be demonstrated by teachers having twenty-five years or more of teaching service as of the effective date of this act in order for their pay raises to be provided."

*2. "Section _____. *Beginning July 1, 1986, and thereafter, employment may be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the criteria outlined in Section 59-20-50(b).* The criteria do not have to be met by teachers having twenty-five years or more of teaching

service as of the effective date of this act in order for them to be employed."

Requires the state to pay the total salary and fringe benefits of new personnel employed to implement the Education Improvement Act.

*3. "Section _____. *The compensation and employer contributions of any new personnel employed for the purpose of implementing specific provisions of the South Carolina Education Improvement Act of 1984 must be paid from funds appropriated for that purpose by the General Assembly from funds derived from increased revenue provided for in the Education Improvement Act of 1984 Fund.* Provided, however, this shall not be construed to preclude any school district from providing additional compensation and employee contributions for the purpose of implementing specific provisions of the South Carolina Education Improvement Act of 1984. School district employees shall not be entitled to receive any across-the-board pay increases or employer contributions provided for other state employees in the annual general appropriation act unless otherwise authorized by the General Assembly therein."

Requires the development and implementation of a teacher incentive program.

4. "Section 59-21-800. *The State Board of Education* acting with the assistance of the select committee *shall cause to be developed and implemented a teacher incentive program to reward teachers who demonstrate superior performance and productivity.* Funds for teacher incentive programs shall be provided by the General Assembly in the annual general appropriation act."

5. "Section 59-21-810. The teacher incentive program must be developed based on the following *guidelines:*

(1) No later than October 1, 1984, a Teacher Incentive Program Advisory Committee must be appointed to advise on the development and implementation of the incentive program. The Advisory Committee must be appointed, after receiving nominations, as set forth herein, and shall consist of three at-large members, appointed by the Governor and the following members appointed by the State Board of Education:

one school board member;
two elementary school teachers;
two middle or junior high school teachers;
two secondary school teachers;
one elementary school principal;
one middle or junior high school principal;
one school superintendent.

The State Board of Education shall request:

(a) Each statewide professional educator organization with more than one thousand members to nominate two continuing contract teachers per one thousand members to serve on the advisory committee.

(b) A statewide organization representing administrators (principals and superintendents) to nominate qualified candidates for the administrator positions on the Committee.

(c) A statewide organization representing school boards to nominate qualified candidates for the school board position.

The at-large members shall have had substantial experience in elementary and secondary education, but may not be employed by any school districts in the State. One of the at-large members must be appointed chairman of the Committee by the Governor.

Each of the statewide organizations shall seek qualified candidates from the the entire pool of persons eligible for membership in their respective organizations and shall make nominations to the State Board based on merit and without regard to membership in the nominating organization.

The Advisory Committee shall terminate in July 1989.

(2) *The State Board shall cause no more than three programs to be developed or selected in school districts in the school year 1984-85. Pilot testing of no more than these three programs shall occur in nine school districts,* designated by the State Board of Education upon recommendations of the Select Committee *in school year 1985-86,* and *the State Board of Education* in consultation with the Office of the Governor *by regulation implement one program statewide beginning with the school year 1986-87.*

(3) No teacher may receive funds under the incentive program unless he meets or exceeds all the eligibility standards set out in the district's program.

(4) Incentive programs shall include: (a) evaluation for teaching performance as it relates to improved student learning and development; (b) evaluation by a team which includes principals and peers; (c) evidence of self-improvement through advanced training; (d) meaningful participation of teachers in the development of the plan;

and (e) working with student teachers whenever possible.

Distributes funds for the teacher incentive program on a per pupil basis.

(5) *Beginning with Fiscal Year 1986-87, beginning in the School Year 1986-87, funds for the teacher incentive program must be distributed to the school districts of the State on a per pupil basis.* The State Board of Education shall promulgate regulations that ensure that the districts of the State utilize the funds in an appropriate manner to establish a procedure for redistributing funds from districts that do not require all of their allocations. No district may receive funds under this section unless it has an incentive program approved by the State Board of Education.

Allows teachers to transfer status in incentive program.

(6) *Teachers selected for incentive rewards shall be considered in selecting teachers for summer school assignments or other summer or extended year employment.*

(7) *The teacher's status in an incentive program is transferable* to any school district in the state. The teacher must continue to meet appropriate requirements to maintain the incentive status."

Provides funds to state agencies with certified instructional personnel (e.g., Wil Lou Gray, School for the Deaf and Blind) to raise instructional salaries to a level commensurate with that of surrounding school districts.

*6. "Section _____. *Each state agency having certified instructional personnel shall receive an allocation based on the following formula: Each state agency shall receive such funds as are required to adjust the pay of all certified instructional personnel to the appropriate salary provided by the salary schedules of the surrounding school districts utilized for the 1984-85 school year and subsequent years.*"

SubPart 3
Improving Training of Current
and Prospective Teachers

1. "Section 59-26-20(e). The State Board of Education, through the State Department of Education, and the Commission on Higher Education shall:

Adopt program approval standards so that beginning with the 1982-83 school year all colleges and universities in this State that offer undergraduate degrees in education shall require that students successfully complete the basic skills examination that is developed in compliance with this act before final admittance into the undergraduate teacher education program. These program approval standards shall include but not be limited to the following:

(1) A student may initially take the basic skills examination during his first or second year in college.

(2) Students may be allowed to take the examination no more than three times.

(3) If a student has not passed the examination, he may be conditionally admitted to a teacher education program. Such admittance shall not exceed one year. If he has not passed the examination within one year of the conditional admittance he shall not continue in the teacher education program.

Provided, that *in addition to the above approval standards, beginning in 1984-85, additional and upgraded approval standards must be developed,* in consultation with the Commission on Higher Education, *and promulgated* by the State Board of Education *for these teacher education programs."*

Requires the upgrading of standards for approval of undergraduate training programs.

2. "Section 59-103-140. *The Commission on Higher Education,* in consultation with the State Board of Education, *may contract with selected public or private colleges and universities, or groupings of such institutions, to provide centers of excellence in programs designed to train teachers.* The Commission shall devise guidelines and procedures by which institutions, or groups of institutions, may apply for such contracts by the Commission. Such guidelines and procedures shall include participation by local schools or school districts in such programs as may be appropriate. Funds for implementing this activity shall be appropriated annually to the Commission on Higher Education which, in consultation with the State Board of Education, shall monitor the performance of participating institutions and may or may not elect to renew such contracts to any original college or university."

Authorizes and funds the creation of centers of excellence in programs to train teachers.

3. "Section 59-26-20(h). *The State Board of Education,* through the State Department of Education, *and the Commission on Higher Education shall:*

Adopt program approval standards so that beginning with the 1982-83 school year *all colleges and universities in this State that offer undergraduate degrees in education shall require that students pursuing courses leading to teacher certification successfully complete* one semester of student teaching and other *field experiences and teacher development techniques directly related to practical classroom situations."*

Requires additional practical experiences in undergraduate teacher training programs.

Requires the development of or selection of teacher training programs based on the study of effective schools and classrooms.

*4. "Section _____. *During the 1984-85 school year the State Department of Education shall develop or select in-service training programs for teachers based* on the findings and research it derives from *the study of effective schools and classrooms. All of the school districts of this State must have implemented the in-service training programs by the 1986-87 school year."*

Reimburses educators for courses taken for recertification.

5. "Section 59-21-150. *Beginning in Fiscal Year 1985-86, all school district principals, instructional supervisors and classroom teachers are eligible for tuition reimbursement* at a rate consistent with that charged at public colleges and universities *every two years* for successful completion of a three-hour credit course in their field of specialization at a South Carolina public or private college, *so long as they work in that field in a South Carolina public school for the succeeding year.* The reimbursement must be provided by the State from funds appropriated to the State Department of Education."

Changes formula for distribution of funds under the Education Finance Act teacher incentive proviso.

6. "Section 59-20-40(2). Incentive proviso for strengthening the instructional staff. *Each district employing instructional staff members with Class I Certificates or higher certificates must be provided from state funds appropriated for this purpose a prorata amount on a formula basis equal to the number of such teachers in all the districts of the State times the amount of available funds."*

SubPart 4
Maximizing the Utilization of
Teaching Time and Talent

Increases the school term by five days and allows the additional five days to be used for teacher planning and preparation.

1. "Section 59-1-420. Notwithstanding any other provision of law, *the statutory school term is one hundred ninety days annually* and at least one hundred eighty days must be used for student instruction and the remaining *ten days may be used for preparation of opening and closing of schools, for in-service training, and for teacher planning and preparation time.* At least three days may be used for the opening and closing of schools and for teacher planning and preparation and two days may be used in teacher-parent conferences with emphasis upon failing and underachieving students. Provided, further, that conferences may be held on Saturday at the direction of the local school board."

2. "Section 59-21-20. *The General Assembly shall make sufficient appropriation to pay state aid to salaries of all school teachers in the public schools on the basis and for the length of one hundred ninety days* in the elementary and secondary schools in the State."

Pays teachers on the basis of 190 day school year.

*3. Section _____. *The State Board of Education shall* develop policies and programs designed to reduce the paperwork required of teachers. These policies and programs shall specifically *provide for assistance* by the State Board *in record-keeping matters through the use of computer hardware and software* within the budgetary limitations authorized by the General Assembly."

Provides funds for computers to reduce the time required of teachers for paperwork.

*4. "Section _____. *The State Board* of Education, acting through the State Department of Education, *shall establish and administer a competitive grant program whereby teachers will be awarded grants for the purpose of improving teaching practices and procedures* within the budgetary limitations authorized by the General Assembly. The respective local school districts shall act as the fiscal agent for such grants."

Establishes a competitive grant program to support efforts of teachers to improve classroom teaching practices and procedures.

*5. "Section _____. The teacher's *evaluation system for continuing contract teachers,* mandated by Act 187 of 1979, *must be fully implemented in all school districts by school year 1984-85. A formal evaluation of continuing contract teachers must take place not less than every three years.* Nothing in this section shall prohibit the governing bodies of the school districts of this State from establishing higher standards for the evaluation of teachers."

Requires formal evaluation of continuing contract teachers at least every three years.

6. "Section 54-26-40. A person who receives a teaching certificate as provided in Section 3 may be employed by any school district under a nonrenewable provisional contract. All school districts shall comply with procedures and requirements promulgated by the Board of Education relating to aid, supervision, and evaluation of persons teaching under a provisional contract. All teachers working under a provisional contract must be paid at least the beginning salary on the state minimum salary schedule.

Each school distirct shall use the evaluation instrument developed in accordance with Section 3 to observe all professional teachers at least three times. The results of the observations must be compiled to constitute an

Amends the evaluation process for provisional contract teachers to conform to the recommendations of the educator improvement task force and actual implementation.

evaluation and must be provided to the teacher in writing. Each school district shall give provisional teachers appropriate advice and assistance to help remedy any deficiencies that are detected by the three required observations. The advice and assistance includes, but is not limited to, state procedures and programs developed in accordance with Section 3 of the Act. Following this remediation, those teachers who do not initially perform at the level required by the evaluation instrument must be observed three more times and the results of the observations must be compiled to constitute a second evaluation.

At the end of a one-year provisional contract period, the evaluation must be reviewed by the school district to determine if the provisional teacher has performed at the level required by the evaluation instrument. If the evaluation indicates that the provisional teacher has performed in an adequate manner, the teacher is eligible for an annual contract. If the evaluation indicates that the provisional teacher is deficient in teaching ability, the school district may employ the teacher for an additional year under a provisional contract or the district may terminate his employment. If employment is terminated, another school district may employ him under a new one-year provisional contract. No person may be employed as a provisional teacher for more than two years. This paragraph does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the one-year provisional contract period the employment dismissal provisions of Article 3, Chapter 19, and Article 5, Chapter 25, of Title 59 of the 1976 code do not apply.

After successful completion of the one-year provisional period, a teacher who is fully certified may be employed by any school district under a one-year annual contract. The decision by the school district to continue a teacher's employment beyond an annual contract must be based on written evaluations conducted at least two times annually using an evaluation instrument that at least meets the criteria established by the State Board of Education for an acceptable instrument. Evaluators shall complete a program of reliability training. School districts shall give the results of a teacher's evaluation in writing to the teacher and counsel him con-

cerning his strengths and weaknesses as a teacher. School districts shall use deficiencies identified by the evaluations of teachers on annual contracts as a guide to the establishment of staff development programs.

A teacher may be employed for a maximum of two years under annual contracts. This paragraph does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education.

The teacher failing to receive the annual or continuing contract must not be employed as a classroom teacher in any public school in this State for a minimum of two years. Prior to reentry as a provisional or annual contract teacher, he must complete six units of credit for certificate renewal and six units of credit for remediation in areas of identified deficiencies. The teacher shall reenter at the contract level which he had attained before dismissal and continue toward the next contract level. The provisions of this paragraph granting an opportunity for reentry into the profession are available to a teacher once, and only once.

After the successful completion of a provisional year and one annual contract, a teacher shall receive a continuing contract and have full procedural rights that currently exist under law relating to employment and dismissal. The provisions of Article 5, Chapter 25, of Title 59 of the 1976 Code and Article 3, Chapter 19, of Title 59 do not apply to teachers working under one-year annual contracts. Teachers working under a one-year annual contract who are not recommended for reemployment at the end of the year may have an informal hearing before the district superintendent. The superintendent shall schedule the hearing no sooner than seven nor later then thirty working days after he receives a request from the teacher for a hearing. At the hearing all of the evidence must be reveiwed by the superintendent. The teacher may provide such information, testimony, or witnesses as the teacher considers necessary. The decision by the superintendent must be given in writing within twenty days of the hearing. The teacher may appeal the superintendent's decision to the school district board of trustees. Any appeal shall include a brief statement (1) of the questions to be presented to the board, and (2) wherein the teacher believes the superintendent to have erred in his judg-

ment. Failure to file such an appeal with the board within ten days of the receipt of the superintendent's decision shall cause the decision of the superintendent to be come final judgment in the matter. The board of trustees shall review all the materials presented at the earlier hearing and, after examining these materials, the board may or may not grant the request for a board hearing of the matter. Written notice of the board's decision on whether or not to grant the request must be rendered within thirty-five calendar days of the receipt of the request. If the board determines that hearing by the board is warranted, the teacher must be given written notice of the time and place of the hearing which must be set not sooner than seven nor later than fifteen days from the time of the board's determination to hear the matter. The decision of the board is final.

If a person has completed an approved teacher training program at a college or university outside this State and has no teaching experience, he must have the same status as a person who has completed such program at a college or university in this State. If a person has completed an approved teacher training program at a college or university in this State, has passed the examination he is required to take for certification purposes, and has one year of teaching experience, he may be employed by a school district as a provisional teacher. If a person has completed an approved teacher training program at a college or university outside this State, has passed the examination he is required to take for certification purposes, and has more than one year of teaching experience, he may be employed by a school district as one who has completed the one-year provisional period.

When a teacher has been awarded a continuing contract in one district of the State the continuing status is transferable to any other district in the State where the teacher is employed.

Teachers certified under the trades and industrial education certification process are exempt from the provisions of this act which require the completion of scholastic requirements for teaching at an approved college or university and a provisional contract period. The teachers may be employed by a school district for a maximum of five years under a continuing contract. Before being employed under a continuing contract these

teachers shall pass the Basic Skills Examination developed in accordance with Section 3(b)(1), the state approved skill examination in their area which is currently required, the teaching examination developed in accordance with Section 3(b)(2), and successfully complete the performance evaluations as required for all teachers who are employed under provisional contracts. Certification renewal requirements for such teachers are those which are promulgated by the State Board of Education."

Subdivision D
Improving Leadership, Management, and Fiscal Efficiency of Schools at All Levels

SubPart 1
Recruiting the Most Able Candidates to Become Principals and Administrators

1. "Section 59-24-10. *Beginning with the school year 1985-86, any person being considered for appointment as a principal for any elementary or secondary school must be assessed for his instructional leadership and management capabilities by the Assessment Center of the South Carolina Department of Education and a written report of such assessment must be forwarded to the board of trustees of the district before such appointment is made.* The provisions of this section do not apply to any persons currently employed as principals on the effective date of this act nor to any persons hired by principals before the beginning of school year 1985-86."

Requires the formal assessment of prospective principals for leadership and management capabilities.

2. "Section 59-24-20. Beginning with the *school year 1986-87, the Commission on Higher Education,* with the assistance of the State Board of Education, *shall require all state-supported colleges and universities which offer graduate degrees in school administration to increase the entrance requirements for admission to these graduate programs* and shall specifically enumerate what increases are necessary to each college and university offering these programs."

Requires increased standards for entrance to graduate programs in school administration.

3. "Section 59-24-30. *All school superintendents and principals must successfully participate every two years in at least one seminar* approved by the State Board of

Requires administrators to participate in seminars.

Education and operated by the State Department of Education to provide training in improving administrative skills and instructional leadership."

4. "Section 59-24-40. The State Board of Education shall adopt criteria and minimum statewide performance standards for evaluation of all principals. The State Department of Education shall select or cause to be developed and the State Board of Education shall adopt the evaluation instruments necessary to measure the satisfactory minimum performance of all principals based on those criteria and standards. *School districts shall use the instruments, standards, and procedures adopted by the State Board of Education for the purpose of annually evaluating all principals.* The State Department of Education shall ensure that instruments and standards are appropriately administered by validating the evaluations of each principal at least once every four years. The validation of evaluations shall be conducted so that approximately one-fourth of the validations are conducted each year. Nothing in this section may limit or prohibit school districts from setting additional and more stringent standards for the evaluation of principals.

Requires an annual evaluation of principals and training of principals who fail to meet the minimum standard.

Any principal whose performance on an evaluation is rated unsatisfactory must complete a training program approved by the State Board of Education's Leadership Academy or the local school district.

The provisions of this section must be implemented according to the following *schedule:*

1984-85	Identification of criteria
1985-86	Development and testing of instruments, procedures and standards in selected districts
1986-87	Field testing of instruments, procedures, and in selected districts
1987-88	Statewide implementation."

Expands training programs of the S.C. Leadership Academy.

5. "Section 59-24-50. *The South Carolina Department of Education's Leadership Academy shall develop,* in cooperation with state-supported institutions of higher education, *new training programs and expand current training programs available to present and prospective school administrators* with particular emphasis on effective instructional leadership."

Article 3
School Principal
Incentive Program

6. "Section 59-24-100. *The State Board of Education* acting with the assistance of the select committee *shall cause to be developed and implemented a school principal incentive program to reward school principals who demonstrate superior performance and productivity.* Funds for school principal incentive programs must be provided by the General Assembly in the annual general appropriation act."

Requires the development and implementation of a principal incentive program.

7. "Section 59-24-110. The school principal incentive program must be developed based on the following *guidelines:*

(1) The State Board of Education shall identify incentive criteria in school year 1984-85. *The State Board shall cause no more than three programs to be developed or selected in nine school districts in school year 1985-86. Pilot testing of no more than these three programs must occur in nine school districts,* designated by the State Board upon the recommendation of the select committee, *in school year 1986-87 and by regulation implemented statewide beginning with school year 1987-88.*

(2) No school principals shall receive funds under the incentive program unless the individual meets or exceeds all eligibility standards set out in the district's program.

(3) Prior to the 1987-88 school year, the State Board, with the assistance of an advisory committee it appoints, and acting through the State Department of Education, shall establish by regulation an incentive program for rewarding and retaining principals who demonstrate superior performance and productivity.

(4) The incentive program shall include: (a) evaluation for instructional leadership performance as it relates to improved student learning and development; (b) evaluation by a team which includes school administrators, teachers and peers; (c) evidence of self-improvement through advanced training; (d) meaningful participation of school principals in the development of the plan; and (e) working with student teachers whenever possible.

(5) *Funds for the school principal incentive program shall be distributed to the school districts of the state on a per pupil basis.*

The State Board of Education shall promulgate regulations that ensure that the districts of the state utilize the funds in an appropriate manner and establish a procedure for redistributing funds from districts that do not require all of their allocations."

SubPart2
Improving Training and Evaluation
of Prospective and Current
School Administrators

Requires the creation of apprenticeships for principals.

1. "Section 1. *The State Board of Education shall establish guidelines for selected school districts of this State to implement programs whereby persons who demonstrate outstanding potential as principals in the opinion of the district may be given the opportunity to serve an apprenticeship as a principal in the selected districts.*"

Subdivision E
Implementing Strict Quality Controls
and Rewarding Productivity

SubPart 1
Evaluating and Rewarding Schools
and School Districts Based on
Measurable Performance and Progress

Requires the establishment of an incentive program whereby schools are financially rewarded for exceptional performance.

*1. "Section _____. *Beginning in school year 1985-86 an incentive grant fund program must be established* by the State Board of Education, acting through the State Department of Education, *to reward schools and school districts for exceptional performance for such criteria as:* (a) achievement gains over the prior year; (b) improved student attendance; (c) improved teacher attendance; (d) improved student attitudes toward learning; (e) improved parent participation; and (f) such other factors promoting or maintaining high levels of achievement.

No school or school district is eligible for incentive grant funds unless the achievement gain criterion is met.

The incentive grant funds must be *allocated on a per pupil basis.* However, in order to be eligible to receive these funds, the schools or school districts shall meet the criteria established by the State Board of Education. The State Board of Education shall promulgate regulations that ensure that the districts of the State utilize

these funds to make further achievement gains and improve excellence in the schools."

*2. "Section _____. *The State Board* of Education, acting through the State Department of Education, *shall establish a competitive grant program whereby schools may be awarded grants to implement exemplary and innovative programs designed to improve instruction.* These programs may include more effective utilization of substitute teachers at the individual school level."

Establishes a competitive grant program to encourage schools to implement exemplary and innovative programs to improve instruction.

SubPart 2
Focusing the Planning of Schools and School Districts on Instructional Improvement and the Effective Use of Resources

1. "Section 59-20-60(3). Each school district board of trustees shall cause *each school* in the district to *prepare an annual written report to be known as the school improvement report.* The reports shall focus on factors found by research to be effective in improving schools, such factors to be prescribed by regulation of the State Board of Education. The State Board of Education shall prescribe the format of the reports and the manner in which they must be developed and submitted. *Each school board of trustees shall establish an improvement council at each school in the district* composed of at least two parents, elected by the parents of the children enrolled in the school; at least two teachers, elected by the faculty; at least two students in schools with grades nine and above elected by the students; other representatives of the community and persons selected by the principal; Provided, However, That the elected members of the council shall comprise at least a two-thirds majority of the membership of the council. The councils must be constituted in each school no later than January 1, 1978. Each council shall assist in the preparation of the annual school improvement report required in this section, shall assist with the development and monitoring of school improvement, shall provide advice on the use of school incentive grant awards, and shall provide such assistance as the principal may request as well as carrying out any other duties prescribed by the local school board. The local school board shall make pro-

Changes the name of School Advisory Councils to School Improvement Councils and the Annual School Report to School Improvement Report. Focuses the trustees' and councils' review and recommendations on factors found by research to be effective in improving schools.

visions to allow any council to file a separate report to the local school board if the council considers it necessary. However, no council shall have any of the powers and duties reserved by law or regulation to the local school board. Notwithstanding any other provisions of this item, when an area vocational center establishes a local school improvement council, it shall be composed as defined exclusively by federal law. The council shall perform all duties and responsibilities provided for in any state or federal law which applies to such councils.

Strengthens school improvement councils by requiring staggered terms of sufficient length to maintain continuity, stability of membership and for members to master their role.

In order to provide additional accountability for funds expended under the Education Finance Act and the Education Improvement Act *the elected members of the school improvement council shall serve a minimum term of two years. Parents of students or students in their last year of enrollment at an individual school may serve terms of one year only. The terms shall be staggered and shall be determined by lot. Within thirty days following the election the names and addresses of all council members shall be forwarded to the State Department of Education for the purpose of sharing information.* The district board of trustees shall include in *its* annual district report a summary of the training opportunities provided or to be provided for school improvement council members and professional educators in regard to council-related tasks and a summary of programs and activities involving parents and citizens in the school."

2. "Section 59-20-60(4)(a). Each school district Board of Trustees shall:

Prepare a written appraisal of the school improvement report of each school with emphasis on needs, goals, objectives, needed improvements, and plans for the utilization of resources."

*3. "Section _____. *The State Board* of Education, acting *through the existing School Council Assistance Project* at the University of South Carolina, *shall provide services and training activities to support school improvement councils and their efforts in preparing an annual school improvement report* as required in this section."

SubPart 3

Monitoring Annually the Implementation of the Education Improvement Program

*1. "Section _____. In order to assist in, recommend, and supervise the expenditure of funds for the Education Improvement Act *there is created a select committee to make recommendations to the State Board of Education on implementing the* provisions of the *'South Carolina Education Improvement Act* of 1984'.

The committee shall consist of the following persons:

(1) Speaker of the House of Representatives or his designee.

(2) Lieutenant Governor or his designee.

(3) Chairman of the Education and Public Works Committee of the House of Representatives or his designee.

(4) Chairman of the Education Committee of the Senate or his designee.

(5) State Superintendent of Education or his designee.

(6) Chairman of the Commission on Higher Education or his designee.

(7) Governor or his designee.

(8) Chairman of the Ways and Means Committee of the House of Representatives or his designee.

(9) Chairman of the Finance Committee of the Senate or his designee.

A member of the General Assembly shall serve as chairman.

Members of the committee shall meet no less than once a quarter and shall annually submit their findings and recommendations to the General Assembly prior to January first.

During the phase-in period each school district in the State shall furnish to the select committee a copy of the report of the district's annual audit. The select committee shall review the audit reports to insure that any management recommendations are carried out."

Creates a select committee to make recommendations on implementation of the Education Improvement Act.

*2. "Section _____. *The Governor and State Superintendent of Education shall reconvene, no less than annually, the Committee on Financing Excellence in Public Education and the Steering Committee of the Education-Business Partnership to review the implementation of this act and consider improvements thereto.*

Requires the establishment of the Public Accountability Division within the State Department of Education with responsibility for the planning and development for implementation of the Education Improvement Act.

The State Board of Education and State Superintendent of Education shall establish within the State Department of Education a special unit at the Division level called the Public Accountability Division. This special unit will be eliminated three years from the date of implementation of this Act. The unit head will hold a position comparable to a Deputy Superintendent, and will be under the direct supervision and will report to the State Superintendent of Education.

A joint Subcommittee of the Committee on Financing Excellence in Public Education and Steering Committee of the Education-Business Partnership will serve as a screening committee for the selection of the unit head. The screening committee will recommend for consideration three applicants. Final selection of the unit head will be made by the State Superintendent of Education after consulting with the Governor. All other positions will be filled following current State Personnel and State Department of Education employment procedures.

The new unit will be responsible for the planning and development for the implementation of the Education Improvement Act of 1984.

The operating procedures for the new unit will be the same as the operating procedures for the three established Divisions in the Department of Education; provided, however, that the joint subcommittee will review and approve all products produced by the new unit and make recommendations to the State Board of Education for final approval."

*3. "Section _____. *The State Board* of Education *shall provide an assessment of this act for consideration by the Business-Education Partnership, The Committee on Financing Excellence in Public Education, and the General Assembly.* A *special assessment* shall be provided *on March 1, 1985. Commencing in 1985, an annual assessment must be provided on October first of each year.* The Business Education Partnership and the Committee on Financing Excellence in Public Education shall submit their recommendations to the General Assembly prior to January first."

SubPart 4
Authorization of Intervention by
State Superintendent of Education
Where Quality of Education in a
Local School District Is Impaired

*1. "Section _____. *Prior to January 1, 1985, the State Board of Education* in consultation with the Select Committee *shall develop criteria for evaluating the quality of education in the school districts* of the state. The criteria shall include but not be limited to: (1) improvement of CTBS and BSAP test results, (2) dropout rate, (3) accreditation deficiencies, and (4) failure rate on high school exit exam. The State Board of Education shall develop regulations for the implementation of this section.

Requires the establishment of criteria upon which to evaluate the quality of education in the school districts and authorizes the State Superintendent of Education to assist or intervene in school districts which do not meet the minimum criteria.

Prior to January 1, 1985, and by January 1 of each year thereafter, the State Department of Education *shall apply the adopted criteria to appropriate data collected for all school districts.*

When the screening process indicates that all minimum criteria standards are met, the districts will be so notified by the Department of Education. When the screening process indicates potential problems, technical assistance in resolving the potential problems will be offered by the Department of Education.

When the screening process indicates that the quality of education in a given school district is seriously impaired, the State Superintendent, with the approval of the State Board of Education shall appoint a Review Committee to study educational programs in that district and identify factors affecting the impairment of quality and, no later than the end of the school year, make recommendations to the State Board of Education for corrective action. Within 30 days thereafter the State Department of Education shall notify the superintendent and district board of trustees of the recommendations approved by the State Board of Education. Such Review Committee shall be composed of State Department of Education staff, representative(s) from selected school districts, representative(s) from higher education, and one or more non-educator(s).

If the recommendations approved by the State Board of Education are not satisfactorily implemented by the school district within six months after receiving the recommendations, the State Superintendent, with the

approval of the State Board of Education, shall be granted authority to do any of the following:

(1) Declare a state of emergency in the school district. Within 30 days thereafter, the State Superintendent shall present evidence as to the state of emergency to a called, joint meeting of the Education Committees of the House of Representatives and the Senate. The State Superintendent of Education, the Superintendent of the district concerned, and the Chairman of the Board of Trustees for the district shall be required to testify along with such other witnesses as the Committees may desire to call. Upon conclusion of the testimony, the joint Committees, by vote of a majority of those Committee members present and voting, may either concur or non-concur in the finding of a state of emergency. If a majority of the Committee members concur with the finding of a state of emergency, the State Superintendent of Education may cause state funds for any or all programs under this Act to be escrowed for the duration of the emergency with the understanding that he may thereafter release funds from escrow for any program which he determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole. The state of emergency may be declared ended by vote of a majority of the members voting at a called joint meeting of the Education Committees of the House and Senate and thereupon the escrowed funds may be released to the district during the next twelve month period as the State Superintendent may prescribe.

(2) Furnish continuing advice and technical assistance in implementing the aforementioned recommendations of the State Board of Education.

(3) Recommend to the Governor that the office of superintendent be declared vacant. The Governor may thereupon so declare after which the Superintendent may furnish an interim replacement until the vacancy is filled by the board of trustees."

Subdivision F
Creating More Effective Partnerships Among the Schools, Parents, Community, and Business

SubPart 1
Strengthening the Involvement of Parents in Their Children's Education

1. "Section 59-5-65. The State Board shall have the power and responsibility to:

( ) Adopt policies and procedures for the local districts to follow whereby:

(a) Regular conferences between parents and teachers are encouraged.

(b) Each school has active parent and teacher participation on the School Improvement Council and in parent-teacher groups.

(c) Parenting classes and seminars are made readily available in every school district."

SubPart 2
Increasing the Participation of Business and Industry in the Public Schools

1. "Section 59-5-65. The State Board shall have the power and responsibility to:

( ) Adopt policies and procedures to accomplish the following:

(a) Have school personnel encourage advice and suggestions from the business community.

(b) Have business organizations encourage their members to become involved in efforts to strengthen the public schools.

(c) Encourage all schools and businesses to participate in adopt-a-school programs.

(d) Encourage statewide businesses and their organizations to initiate a Public Education Foundation to fund exemplary and innovative projects which support improvement in the public schools."

SubPart 3
Broadening the Community Involvement in the Public Schools

1. "Section 59-5-65. The State Board shall have the

power and responsibility to:

( ) Adopt policies and procedures to accomplish the following:

(a) Expand school volunteer programs.

(b) Encourage civic and professional organizations to participate in local adopt-a-school programs."

*2. "Section _____. The State Board of Education shall initiate an award program to recognize business and industries, civic organizations, school improvement councils, and individuals contributing most significantly to public education."

Subdivision G
Providing School Buildings Conducive to Improved Student Learning

SubPart I
Performing Pressing Repairs, Renovations, and Construction on School Buildings

Provides additional funds for school building needs.

*1. "Section _____. (a) Beginning with state *Fiscal Year 1984-85, the State shall remit an amount on a per-pupil basis to each school district* of the State in the manner and under the conditions that the General Assembly provides *for the School Building Aid program of the Education Improvement Program* in the annual general appropriation act. *These funds must be used (i) for the renovation, capital improvement, or repair of school classrooms, libraries, laboratories, and other instructional facilities, including music rooms, or (ii) to reduce the millage required to pay principal and interest on bonds issued for such purposes* if the district qualifies for the exception provided for in subsection (b) hereof.

Requires school districts to use their allocation of the Education Improvement Act building funds to reduce millage if the district has undertaken a "capital improvement program." Under certain circumstances, allows a waiver from the requirement that millage be reduced.

(b) *If a school district has issued bonds or otherwise undertaken any capital improvement programs during any of the most recent five fiscal years, at least fifty percent of the funds provided in subsection (a) must be used to reduce the millage required to pay debt service on such outstanding bonds.*

Provided however, *in the event that a school district sold bonds or secured a loan at an interest rate less than prevailing rates and has an identified need for funds in excess of fifty percent of funds provided in subsection (a) or anticipates a significant increase in need for additional classroom space, that district may request a waiver from this requirement by the State Board of*

Education. After consultation with the State Treasurer on prevailing interest rates and review of the evidence accompanying the waiver request from the school district, and upon certification by the State Treasurer that rates are beneficial to local school district, the State Board of Education may grant a waiver if the evidence is substantiated. The remaining sums may be used either to reduce millage to pay debt service or to pay for capital improvements, repairs, or renovations otherwise authorized during the then current fiscal year. Provided, Further, That if, on the occasion when the annual millage would otherwise be increased to provide for capital improvements, repairs, or renovations, there is on hand with the county treasurer sums from the appropriation herein authorized, sufficient to meet all or a portion of the payments of principal and interest on bonds to be outstanding in the ensuing fiscal year, then such portion of the millage required to pay such debt service need not be imposed.

Defines "capital improvement program."

(c) *A capital improvement program for purposes of this section is defined as incurring debt for school building purposes or levying and collecting school taxes for school building purposes over the district's last five fiscal years averaged at least one-half the amount the district is entitled to receive during state Fiscal Year 1985 as provided in subsection (a) hereof.* If the district has fiscal autonomy to any degree, it shall provide for the manner in which the school millage must be reduced. If the district does not have fiscal autonomy, the governing body of the county wherein the district is located shall provide for the manner in which the school millage must be reduced.

(d) The funds authorized herein for reduction in millage for debt service may not be expended in conjunction with the authorization of bonds that increase a school district's bonded indebtedness above the limit provided for in Article X of the South Carolina Constitution or expended to pay debt service on bond anticipation notes authorized which would put the total bonded indebtedness of the school district (general obligation and bond anticipation) above the constitutionally mandated limit."

2. "Section 59-21-320. In order *to assist school districts in financing needed capital improvements, the General Assembly shall annually allocate* to the Board a sum

After FY 1988-89, increases state aid for school building from $30 per pupil to $80 per pupil.

equivalent to twenty dollars multiplied by the number of pupils enrolled in grades one through twelve of the public schools during the school year next preceding the year for which the allocation is made. Provided, that the amount allocated for the Fiscal Year 1969-70 must be computed at the rate of twenty-five dollars per pupil, for the Fiscal Years of 1970-71 through 1988-89 must be computed at the rate of thirty dollars per pupil, and *for Fiscal Year 1980-90 and thereafter* must be computed at the rate of *eighty dollars per pupil.* Provided, Further, That for no year may the amount allocated be less than the total sum required to meet principal and interest payments becoming due in that fiscal year on state school bonds."

*3. "Section _____. Any funds received pursuant to this section must be expended or contractually committed within forty-eight months of the appropriation provided for school buildings under this act. *No school district may use the funds allocated for school building purposes for operational, instructional or any purposes other than those enumerated in Section 1 (Editor's note: the first section of this subpart).* Any school district using these funds as herein prohibited is prohibited from receiving any other funds under this act until the school district has reimbursed the Education Improvement Act of 1984 Fund for the funds allocated for school building purposes it has received pursuant to this act."

DIVISION III

Exempts one percent increase in state sales tax from provisions of state law prohibiting the General Assembly from enacting new general taxes in the permanent provisions of the state general appropriations act.

1. "The General Assembly finds that since it is the constitutionally mandated duty of the General Assembly to provide for the maintenance and support of the public schools, and since an emergency situation exists in regard to the need to upgrade the public school system, *the provision of Subsection (H), Section 12, Part II of Act 517 of 1980 (designated as Section 11-33-80 of the 1976 Code in the 1983 Cumulative Supplement) shall not apply to this section.*"

Increases the sales tax by 1% to fund the EIA.

2. "Section 12-35-515. In addition to the tax levied in Sections 12-35-510, 12-35-810, and 12-35-1120 and Article 11 of Chapter 35 of Title 12, *there is levied and imposed an additional tax in an amount equal to one*

percent to be levied and collected in the manner provided in this chapter *on that segment of the population who are under eighty-five years of age;* Provided, However, that this additional tax imposed herein shall also apply to persons eighty-five years of age and older if such persons make purchases other than for their own personal use. *The proceeds of the additional tax levied by this section shall be used to fund the provisions of the South Carolina Education Improvement Act of 1984* in the manner specified by Section 12-35-1550."

3. "Section 12-35-580. When the estimated tax liability of any person for a taxable period exceeds eighteen thousand dollars, such persons shall render to the commission on or before the twentieth day of such taxable period on a form prescribed by the Commission a true and correct statement showing the estimated tax liability for such taxable period and at a time of making such report such person shall pay to the Commission at least fifty percent of the estimated tax liability shown thereon. The amount of such prepayment shall be credited against the amount shown due on the return required under Section 12-35-570. No retailer shall have an estimated tax liability exceeding eighteen thousand dollars per month for three consecutive months or more. If any person fails to pay at least forty percent of the 'true estimated tax liability,' if one is due or fifty percent of the tax for the same month of the preceding year on or before the twentieth day of the period covered by the return, the difference between the amount paid and the amount due to have been paid shall be increased by five percent per month or fraction of a month from the date the tax was originally due to the date of payment, such penalty not to exceed twenty-five percent of the underpayment.

Commencing July 1, 1985, the provisions of this section shall apply when the estimated tax liability of any person for a taxable period exceeds twenty thousand dollars and commencing July 1, 1986, it shall apply when any such tax liability exceeds twenty-two thousand five hundred dollars and commencing July 1, 1987 and thereafter, it shall apply when any such tax liability exceeds twenty-five thousand dollars."

Raises the amount of sales tax which a retailer must owe before the retailer must file a statement of estimated tax liability and prepay 50% of the tax owed.

4. "Section 12-35-610. Every person or company engaged or continuing within this State in a business, for which a license or privilege tax is required by this arti-

Changes increment of sales tax table to reflect increase in sales tax from 4% to 5%.

cle, may add to the sales price:

(1) No amount on sales of ten cents or less;

(2) One cent on sales of eleven cents and over, but not in excess of twenty cents;

(3) Two cents on sales of twenty-one cents and over, but not in excess of forty cents;

(4) Three cents on sales of forty-one cents and over, but not in excess of sixty cents;

(5) Four cents on sales of sixty-one cents and over, but not in excess of eighty cents;

(6) Five cents on sales of eighty-one cents and over, but not in excess of one dollar;

(7) One cent additional for twenty cents or major fraction thereon in excess of one dollar."

5. "Section 12-35-1550. The revenue derived from the tax levied by Sections 12-35-510, 12-35-810, 12-35-1120, and Article 11 in this chapter must be remitted to the State Treasurer to be credited to the state public school building fund for the purposes provided for in Article 3 of Chapter 21 of Title 59 and any sum over and above that so required must be placed to the credit of the general fund and must be used for school purposes only.

Creates a separate and distinct fund for revenue derived from the increase in the sales tax which must be spent for elementary and secondary school purposes unless other expenditure is permitted by a "special vote" of the General Assembly.

The revenue derived from the tax levied pursuant to Section 12-35-1550 must be deposited by the State Treasurer in the South Carolina Education Improvement Act Fund of 1984 as a fund separate and distinct from the state general fund. All unappropriated money in the fund and earning on investments from this fund shall remain part of the separate fund and shall not be deposited in the general fund except as provided for in this section. Money from *this fund may only be spent for elementary and secondary school purposes. Any change in the management or use of this fund for other than elementary and secondary education is permitted only by a two-thirds vote provided in this section.*

Upon implementation of the provisions of this section by law, such law may not be amended, or repealed except by special vote provided in this section.

A special vote means an affirmative two-thirds vote of the total membership of the Senate and an affirmative two-thirds vote of the total membership of the House of Representatives."

*6 "Section _____. The State Department of Education shall carefully monitor and audit the disbursement of monies from the South Carolina Educa-

tion Improvement Act fund. *Any line item appropriation not fully expended for any program under the South Carolina Improvement Act of 1984 shall revert to the fund.*"

*7. "Section _____. This Division shall take effect July 1, 1984."

Causes sales tax and accompanying provisions to take effect July 1, 1984.

*8. "Section _____. *The appropriations for Fiscal Year 1984-85 from the South Carolina Education Improvement Act* of 1984 Fund *for the compensatory and remedial instruction programs* for students who fail to meet the required minimum standards of achievement in the basic skills *may be carried forward and expended for the same purpose during Fiscal year 1985-86 if, upon the written certification of the State Board of Education to the General Assembly on or before June 30, 1985, a sufficient number of qualified remedial and compensatory education teachers were not able to be employed or transferred into this field during Fiscal Year 1984-85.*"

Permits funds appropriated for remedial and compensatory education in FY 1984-85 to be carried forward to the next fiscal year if schools are unable to employ teachers for this purpose.

9. "Section 12-7-2418 (1). *Any resident individual* who *was domiciled in this State for the entire applicable tax year* and who during that year was not in the custody of a state of federal penal, mental health, or retardation institution, *required by law to file and who has filed a South Carolina Income Tax return is allowed a credit against taxes due under Section 12-7-210 equal to the amount of twelve dollars and fifty cents for each personal exemption permitted by items (1), (2), and (3) of Section 12-7-310 if the exemption is claimed on the taxpayer's South Carolina income tax return.* Any dependent required by law to file a return who has been claimed as an exemption under item (3) of Section 12-7-310 by an individual filing for a credit under this section is not entitled to the credit provided in this section. If the amount of the credit exceeds the income taxes otherwise due on the taxpayer's income or if there are no South Carolina income taxes due on the taxpayer's income, the amount of the credit not used as an offset against income taxes, after certification by the Commission, must be paid to the taxpayer by the State Treasurer from the State general fund. No interest is allowed on any payment made to a taxpayer pursuant to this section.

Allows a credit against individual's income tax of $12.50.

(2) *No credit may be paid or allowed unless it is actually filed with the Commission on or before the due*

date of the taxpayer's tax return or any extension period granted by the Commission.

(3) *The amount of any credit* otherwise allowable under this section *may be applied by the Commission against any liability outstanding on the records of the Commission against the taxpayer, or against the taxpayer's spouse.*

(4) The Commission shall make available suitable forms with instructions, including a form which must be included with or as part of the individual income tax forms. The credit must be in a form as the Commission may prescribe.

Defines "Food Inflation Factor."

(5) (a) As used in this subsection *'Food Inflation Factor'* means the ratio of the consumer price index for the twelve-month period ending June thirtieth of the current taxable year to the consumer price index for food products for the immediately preceding tax year, rounded to the nearest one thousandth and 'Consumer price index for food products' means the average over a twelve month period of the consumer price index for food products published monthly by the Bureau of Labor Statistics, United States Department of Labor.

(b) *The Budget and Control Board shall annually by July fifteenth of each year prepare and promulgate a food inflation factor* for that tax year for use by the Tax Commission in making the adjustment under the provisions of item (c) of this subsection. In preparing the food inflation factor, the Budget and Control Board shall, using the best statistical techniques compatible with those used by the United States Department of Labor in preparing the monthly consumer price index for food products, adjust the consumer price index for food products, adjust the consumer price index for food products to conform most nearly to the situation that exists in this State.

Requires an annual adjustment in the amount of the tax credit by the "Food Inflation Factor."

(c) Upon promulgation of the food inflation factor, as required under item (b) of this subsection, *the chairman of the Tax Commission shall annually* multiply and *adjust the credit amount set forth in this section as previously adjusted by the food inflation factor* so that the effect of the annual adjustment may cause the adjusted dollar amount to increase or decrease. The annual adjustment information must be shown prominently on the appropriate tax return forms furnished by the Commission for the year in which the adjustment ap-

plies. If the food inflation factor determined under item (b) of this subsection for a tax year commencing after December 31, 1983, is more than .99 but less than 1.01 no adjustment may be made for that year."

*10. "Section _____. *The provisions of subsections (1), (2), (3), and (4) of Section 12-7-2418 as added by this subdivision are effective for tax years beginning after December 31, 1983. The provisions of subsection (5) of Section 12-7-2418 as added by this subdivision are effective for tax years beginning after December 31, 1984.*"

Specifies the effective dates for the tax credit and annual adjustments.

DIVISION IV

*1. "Section _____. *Effective with the 1984-85 school year, the Department of Education shall establish guidelines and regulations to ensure that school districts recruit and hire staff in professional areas,* including but not limited to, the employment of teachers, the employment of administrators, of teachers' aides, *and other personnel needed to implement the provisions of the South Carolina Education Improvement Act of 1984 on the basis of qualifications and merit. The Department shall* further monitor the implementation of this Act to *ensure that minority educators and minority school districts receive equal and fair treatment under* each program and each section of this Act."

Requires the Department of Education to establish regulations for implementation of the Education Improvement Act to ensure personnel are hired on the basis of merit.

*2. "Section _____. *Failure by any school district to develop affirmative action plans or otherwise adhere to the provisions of this DIVISION is cause for intervention by the State Department of Education to take the corrective steps as may be necessary.*"

DIVISION V

*1. "Section _____. *The State Board of Education and the Commission on Higher Education* in performing the duties and responsibilities assigned to them in Division II of this act *are authorized to promulgate regulations necessary to implement these provisions.*"

Requires the maintenance of a minimum level of financial effort by each school district.

*2. "Section _____. *Unless otherwise authorized or provided herein, school district boards of trustees or any other appropriate governing body of a school district shall maintain at least the level of per pupil financial effort established as provided in Fiscal Year 1983-84. Beginning 1985-86 local financial effort for non-capital programs shall be adjusted for an inflation factor estimated by the Division of Research and Statistics. Thereafter, school district boards of trustees or other governing bodies of school districts shall maintain at least the level of financial effort per pupil for non-capital programs as in the prior year adjusted for an inflation factor* estimated by the Division of Research and Statistics. *No school district which has not complied with this section shall receive funds hereunder."*

Exempts the EIA from the statutory spending limit enacted in 1980.

*3. "Section _____. The provisions of Section 12, Part II, of Act 517 of 1980 do not apply to the provisions of this new section of Part II."

Specifies the effective date of the EIA.

*4. "Section _____. *This new section of Part II shall take effect July 1, 1984, except that any studies, reports, or actions due before this date or required by the provisions hereof shall be completed on such date."*

Requires any excess EIA funds in Fiscal Year 1984-85 to be used for funding the EIA school building program.

*5. "Section _____. Notwithstanding the provisions of Division III or any other provision of law, *in the event that the total amount of the funds deposited in the South Carolina Education Improvement Act of 1984 Fund during Fiscal Year 1984-1985 exceeds the total amount of the line item appropriations for the programs of the South Carolina Education Improvement Act* as contained in Subsection X, Section 28 of Part 1 of this act, *these additional revenues shall be used for the purpose of funding the school building program* as contained in Section 1, Subdivision G of Division II during Fiscal Year 1985-1986."

Requires the withholding of EIA funds beginning with Fiscal Year 1985-86 if a school district has not adopted a procurement code modeled after one of two specified codes.

*6. "Section _____. *Distributions of funds to a school district pursuant to the South Carolina Education Improvement Act of 1984 must be suspended after June 30, 1985, unless the school district has adopted and filed with the Division of General Services of the State Budget and Control Board a procurement code modeled on the South Carolina Consolidated Procurement Code or the model set forth in the Report of the Local Government Task Force on Procurement.* All suspended funds must be released to the district at the

time the district files an adopted procurement code and all subsequent distributions must be made as provided by law."

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